

Appl. No. : **09/787,356**
Filed : **June 25, 2001**

REMARKS

Claims 1, 5, 20, and 24 have been amended and Claims 2, 25, and 31 has been cancelled without prejudice. Claims 1, 5-9, 20-22, 24, 26-30, and 32 remain pending in the present application. Support for the amendments is found in the Specification and claims as filed. Accordingly, the amendments do not constitute addition of new matter. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Claim Objections

The Examiner objected to Claims 1 and 24 because he believes the syntax can be improved. As suggested, Claims 1 and 24 have been amended to recite "said method comprising administering to said animal, an amount of a peptide effective for..."

The Examiner objected to Claim 31 under 35 U.S.C. § 1.75(c) as being of improper dependent form. Claim 31 has been cancelled without prejudice.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the objections to the claims.

Claim Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected Claims 2 and 25 under 35 U.S.C. § 112, first paragraph, for enablement issues. Claims 2 and 25 have been cancelled without prejudice. Accordingly, the rejection under 35 U.S.C. § 112, first paragraph is now moot.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected Claim 20 under 35 U.S.C. § 102(e) as being anticipated by Costanzo (U.S. Patent No. 6,323,219). According to the Examiner, Costanzo teaches that SLIGRL is a PAR-2 activator and teaches the screening of PAR-2 receptors for ligands which activate the receptor. The Examiner admits that Costanzo does not teach that the activators are capable of treating airway inflammation. However, the Examiner considered the limitations relating to airway inflammation to be "intended use" that is not limiting on the claim. While Applicants disagree with this characterization of the limitation, Claim 20 has been amended to

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recite "further testing the peptide for treatment or prophylaxis of inflammation of an airway of an animal if it is identified as being useful" so as to clearly recite the steps involved in "identifying an agent for treatment or prophylaxis of inflammation of an airway."

According to M.P.E.P. 2131.01, "[a] claim is anticipated only if each and every element is set forth in the claims is found, either expressly or inherently described, in a single prior art reference."

Costanzo does not disclose methods relating to treatment or prophylaxis of inflammation of an airway. Accordingly, Costanzo neither discloses nor suggests all of the limitations of Claim 20 and, as such, cannot anticipate the claim.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 102.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected Claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Costanzo (U.S. Patent No. 6,323,219). The Examiner believes that it is well-known in the art that non-natural amino acids are important to stabilize compounds, so it would be obvious to the artisan to have used modified amino acids in order to increase the half-life of the peptides for therapeutic or other purposes.

The Examiner appears not to have noted that Claims 21 and 22 are dependent on Claim 1. The Examiner admitted that he "could not make a *prima facie* case that SLIGRL, a PAR2 activator, would mediate airway relaxation." Accordingly, the Examiner agreed that Claim 1 was allowable over Costanzo. Claims 21 and 22 include all the limitations of Claim 1 and are therefore patentable at least for the same reasons as Claim 1. See M.P.E.P. 2143.01 which states "[i]f an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious."

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103.

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CONCLUSION

In view of the foregoing amendments and comments, it is respectfully submitted that the present application is fully in condition for allowance, and such action is earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully invited to call the undersigned in order to resolve such issue promptly.

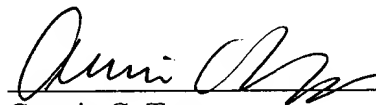
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 1, 2005

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